

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

GUEST TEK INTERACTIVE)	
ENTERTAINMENT LTD.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 18-1394 (RGA)
)	
NOMADIX, INC.,)	
)	
Defendant.)	

JOINT PROPOSED ORDER ON DISCOVERY AND SCHEDULING ISSUES

The parties having briefed their positions on various discovery and scheduling issues (D.I. 109, 110, 111, 112), and the Court having conducted a discovery conference on those issues on September 3, 2020, IT IS HEREBY ORDERED,¹ for the reasons as stated in the September 3, 2020 conference, that:

1.

[Guest Tek's Proposal:] Plaintiff Guest Tek Interactive Entertainment, Ltd. ("Guest Tek") shall serve its final infringement contentions on or before **October 16, 2020**. These contentions shall be final, but may be amended or supplemented upon a showing of good cause with leave of Court.

[Nomadix's Proposal:] Plaintiff Guest Tek Interactive Entertainment, Ltd. ("Guest Tek") shall serve its final infringement contentions on or before **October 16, 2020**, including in response to Nomadix's Interrogatory No. 1. Absent permission from the Court after a showing by Guest Tek of diligence and no prejudice to Nomadix, Guest Tek shall not supplement or change its

¹ The parties submit this proposed Order in accordance with the Court's instructions during the September 3, 2020 discovery conference.

theories after that deadline. In particular, Guest Tek may not rectify any deficiencies in its final contentions due to internal inconsistencies, ambiguities, vagueness, or conclusory assertions.

2. Defendant Nomadix, Inc. ("Nomadix") shall serve its final invalidity contentions on or before **October 30, 2020**. These contentions shall be final, but may be amended or supplemented upon a showing of good cause with leave of Court.

3. The fact discovery cutoff date is extended to **November 13, 2020**. Absent agreement between the parties or leave of Court, the parties shall not serve any additional interrogatories, requests for production, or requests for admission. The remaining case deadlines are extended as set forth in the attached **Exhibit A**.

4. Guest Tek's motion to compel Nomadix to produce the categories of documents identified in Guest Tek's proposed order (D.I. 109) is denied without prejudice.

5. Nomadix's motion to compel Guest Tek to supplement its response to Nomadix's Interrogatory No. 2 is denied.

6.

~~Guest Tek's Proposal:~~ Nomadix's motion to compel Guest Tek to supplement its response to Nomadix's Interrogatory No. 5 is denied without prejudice.¹

~~Nomadix's Proposal:~~ Nomadix's motion to compel Guest Tek to supplement its response to Nomadix's Interrogatory No. 5 is granted in part and denied in part. On or before **October 16, 2020**, Guest Tek shall respond to Nomadix's fifth interrogatory with respect to each Alternative Instrumentality identified in Nomadix's third set of interrogatories.

7. Nomadix's motion to compel Guest Tek to supplement its response to Nomadix's Interrogatory No. 7 is granted. Guest Tek shall supplement its response with the best information available to it by **October 16, 2020**.

^{1/} At the discovery conference, the Court resolved the dispute as it then stood. Nomadix wants the order to reflect subsequent events. This I decline to do. And, even if I were to do it, Nomadix has substituted a laundry list of supposedly non-infringing alternatives. If Nomadix wants to specify one non-infringing alternative, I would compel Guest Tek to respond. But, as is, it looks more like a make-work project than a good faith request to obtain relevant information proportional to the needs of the case.

8. Nomadix's motion to compel Guest Tek to produce source code dated 2010 or earlier is denied without prejudice.

9. Nomadix's motion to compel Guest Tek to supplement its document production in response to Nomadix's Request for Production Nos. 30 and 37 is denied without prejudice.

10.

~~[Guest Tek's Proposal:]~~ Consistent with its Paragraph 4(a) disclosures, Guest Tek shall, pursuant to FRCP 41(a), seek dismissal of its claims against Nomadix based on U.S. Patent Nos. 8,811,184; 9,531,640; 9,025,599; 9,503,419; and 9,705,846.

~~[Nomadix's Proposal:]~~ Consistent with its Paragraph 4(a) disclosures, Guest Tek shall file a submission indicating that it dismisses with prejudice its claims against Nomadix based on U.S. Patent Nos. 8,811,184; 9,531,640; 9,025,599; 9,503,419; and 9,705,846.

October 13, 2020

Richard G. Andrew
USDJ

EXHIBIT A- REVISED CASE SCHEDULE

Event	Current Deadline	New Deadline
Plaintiff to provide final infringement contentions	n/a	October 16, 2020
Defendant to provide final invalidity contentions	n/a	October 30, 2020
Fact Discovery Cutoff	September 22, 2020	November 13, 2020
Opening Expert Reports	October 22, 2020	December 18, 2020
Rebuttal Expert Reports	November 20, 2020	February 5, 2021
Reply Expert Reports	December 18, 2020	March 5, 2021
Expert Discovery Completed	January 29, 2021	April 2, 2021
Case Dispositive and Daubert Motions (openings)	March 11, 2021	May 10, 2021
Pretrial Conference	September 10, 2021 at 9:00 a.m.	no change
5-day Jury Trial	September 20, 2021 at 9:30 a.m.	no change